

2686

PATENT
3655-0144P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: James J. MACOR Conf.: 3305
Appl. No.: 09/353,316 Group: 2686
Filed: July 14, 1999 Examiner: APPIAH, C.N.
For: COMPUTER AND MOBILE COMMUNICATION SYSTEM

#23

REQUEST FOR RECONSIDERATION OF THE DECISION ON PETITION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

September 2, 2004

SEP 07 2004

Technology Center 2600

Sir:

A Decision on Petition was mailed June 2, 2004 and set a two (2) month response period within which a Request for Reconsideration could be filed. The Decision on Petition made no statement that the response period for filing the Request to Reconsider could not be extended. Therefore, in accordance with 37 CFR 1.137(e) and MPEP 711.04 (H), Applicant respectfully requests a one month extension of time.

The Decision on Petition states that "in absence of any irregularity in the mailing of an Office Action, there is a strong presumption that the Office action was properly mailed to practitioner." The Decision on Petition concludes "there was no irregularity in the mailing of the Final Office action mailed November 13, 2002." (Page 2, lines 1-2). Applicant respectfully disagrees, and respectfully submits that the strong presumption should not apply in the instance case.

1) The Office action mailed April 30, 2004 makes no mention of any previously mailed Office action, such as stating that the response period continues to run from the mail date of the previous Office action.

2) It is very unclear as to why the PTO would have mailed the second Office action. As far as the PTO was concerned the Office action was mailed on November 13, 2002 to the proper address, and a change of correspondence address came in on December 13, 2002. It would appear that the PTO would simply mail any subsequent Office action to the new correspondence address. Why would the change of correspondence address trigger the re-mailing of a previous Office action, mailed one month earlier? And, if the change of correspondence address does trigger such a re-mailing, then why wouldn't the Office action make reference to such occurrence.

3) The Notice of Abandonment states that the application went abandoned for a failure to respond to the Office action mailed April 29, 2003, not the Office Action mailed November 13, 2002.

4) The courtesy copy of the Office action provided by the Examiner (after we learned about the Notice of Abandonment) shows a mail date of April 30, 2003, with a handwritten notation that appears to state "Remail 4/30/03." The notation appears to be stating the same mailing date of April 30, 2003, which is confusing in itself. Further, the date is different than the date on the Notice of Abandonment, April 29, 2003, yet another irregularity.

Telephone Interview

Applicant's representative thanks Examiner Krista Zele for the courtesies extended during a recent telephone interview. Ms. Zele explained that the instant Petition would be denied until the docket reports for Avaya were presented to demonstrate that Avaya did not receive any Office Action for this application having a mailing dated of November 13, 2002.

After a search of Avaya's records, it is apparent that Avaya did not receive the Office communication allegedly mailed on November 13, 2002. A search of the file jacket and docket records at Avaya revealed that no communication was received from the USPTO, dated November 13, 2002 regarding the above-identified application. A copy of Avaya's docket records, where the communication would have been entered had it been received, is attached hereto.

If the November 13, 2002 Office action been received by Avaya, the February, 2003 "Diary Listing Report" would have included an entry indicating the three-month response due date of February 13, 2003. The entry would have appeared as follows:

"09/353,316 Macor 8 US Response to Office Action 2/13/03"

As can be seen in the February 2003 "Diary Listing Report" no such entry occurs.

Please note that on page 6, entry 20, is relevant to the above-identified application. The entry states:

"09/353,316 Macor 8 US Awaiting Examiner Response 2/28/03"

This entry is automatically docketed into Avaya's diary system, whenever Avaya is expecting to receive an Office action. We had filed an Amendment on August 29, 2002, and as the entry evidences, Avaya was still "awaiting" a response from the Examiner to the Amendment.

For the reasons, as stated above, reconsideration and granting of this Petition are respectfully requested.

Applicant respectfully petitions under the provisions of 37 C.F.R. § 1.136(a) and 1.17 for a one-month extension of time in which to respond to the Decision on Petition. **The Extension of Time Fee in the amount of \$110.00 should be charged to Deposit Account No. 50-1602. A triplicate copy of this page is attached hereto.**

Please note that on page 6, entry 20, is relevant to the above-identified application. The entry states:

"09/353,316 Macor 8 US Awaiting Examiner Response 2/28/03"

This entry is automatically docketed into Avaya's diary system, whenever Avaya is expecting to receive an Office action. We had filed an Amendment on August 29, 2002, and as the entry evidences, Avaya was still "awaiting" a response from the Examiner to the Amendment.

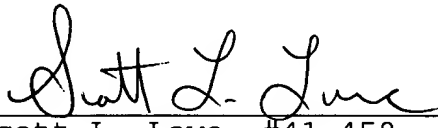
For the reasons, as stated above, reconsideration and granting of this Petition are respectfully requested.

Applicant respectfully petitions under the provisions of 37 C.F.R. § 1.136(a) and 1.17 for a one-month extension of time in which to respond to the Decision on Petition. **The Extension of Time Fee in the amount of \$110.00 should be charged to Deposit Account No. 50-1602. A triplicate copy of this page is attached hereto.**

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-1602 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Scott L. Lowe, #41,458

SLL:lmh
3655-0144P

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Attachment: Avaya's Docket Report for February, 2003

(Rev. 09/30/03)

DIARY LISTING REPORT

February 2003

| <u>Serial/Application No.</u> | <u>Avaya Ref Code:</u> | <u>Country</u> | <u>Action Required</u> | <u>Due Date</u> | <u>Completed Date</u> |
|-------------------------------|------------------------|----------------|-----------------------------------|-----------------|-----------------------|
| 7-308528 | Bleich 8-7-9 | JP | Response to Office Action | 2/18/03 | 2/5/03 |
| 00307826.8 | Chavez 49-35 | EP | Decision to Abandon/Lapse | 2/27/03 | 2/27/03 |
| 08/113119 | Laukzemis 2 | US | Maintenance fee | 2/8/03 | |
| 08/131041 | Farwell 7-5-9 | US | Maintenance fee | 2/22/03 | |
| 2404786 | Mosaix 12 | CA | Renewal fee | 2/8/03 | |
| 08/787465 | Wu 1 | US | Maintenance fee | 2/3/03 | |
| 08/672734 | Chavez 22-2 | US | Maintenance fee | 2/17/03 | |
| 08/943449 | Norte 8-4 | US | Maintenance fee | 2/10/03 | |
| 08/825874 | Klein 5-1 | US | Maintenance fee | 2/24/03 | |
| 08/901585 | Bopp 1-1-1-6-1-2-1-2 | US | Maintenance fee | 2/28/03 | |
| 08/858954 | Nelson 4 | US | Maintenance fee | 2/17/03 | |
| 08/808281 | Boakes 10 | US | Maintenance fee | 2/28/03 | |
| 3506/1997 | Forgues 2-1 | JP | Decision to Abandon/Lapse | 2/18/03 | 2/18/03 |
| 742610 | Friesen 12-2-12 | AU | First Renewal Fee | 2/26/03 | |
| 08/656629 | Octel 21-3 | US | Maintenance fee | 2/17/03 | |
| 09/030244 | Roman 1 | US | Maintenance fee | 2/28/03 | |
| 301559.1 | Shahid 38 | EP | Maintenance fee | 2/28/03 | |
| 09/063163 | Griffith 23-5 | US | Maintenance fee | 2/3/03 | |
| 09/063164 | Amberg 1-1-2 | US | Maintenance fee | 2/10/03 | |
| 09/158014 | Norte 13 | US | Maintenance fee | 2/28/03 | |
| 09/094258 | Daoud 107 | US | Maintenance fee | 2/28/03 | |
| 01959457.1 | CyberIQ 1 | EP | Pay Filing fees | 2/28/03 | 2/28/03 |
| 01959457.1 | CyberIQ 1 | EP | Pay Search fees | 2/28/03 | 2/28/03 |
| 00300375.3 | Bouis 1-1 | EP | Substantive Grounds of Appeal | 2/15/03 | 12/2/02 |
| 2364974 | Brand 1 | CA | Renewal fee | 2/25/03 | 9/11/03 |
| 2002-375743 | Alvarado | JP | File translation of specification | 2/26/03 | 12/26/02 |
| 98301131.3 | Friesen 12-2-12 | EP | Maintenance fee | 2/28/03 | |
| 09/289516 | Fuller 1-1-1-6-4-10 | US | Resp to OA - 1 Month Extension | 2/16/03 | 11/13/02 |
| 1999-0056469 | LeBoulzec 2 | KR | Pay Print/Grant fees | 2/28/03 | 2/13/03 |
| 2328845 | Flockhart 25-28 | CA | Response to Office Action | 2/6/03 | 10/14/03 |
| 09/039156 | Daoud 38 | US | Maintenance fee | 2/24/03 | |
| 09/358595 | Cox 7-1-5-7 | US | Issue fees due | 2/5/03 | 2/4/03 |
| 09/358595 | Cox 7-1-5-7 | US | Formal drawings due | 2/5/03 | 1/31/03 |
| 2396383 | CyberIQ M-7717 | US | Assignment indicating Name Change | 2/1/03 | 4/30/03 |
| 09/133831 | Harris 1-1 | CA | Resp to OA - 1 Month Extension | 2/22/03 | 1/22/03 |
| 09/306590 | Nikmanesh 5 | US | Resp to OA - 1 Month Extension | 2/28/03 | 11/26/02 |
| 01306611.3 | Achuthan 2-3-1 | EP | Published specification received? | 2/1/03 | 7/10/02 |
| 10/674637 | Awasthi | US | Application due to be filed | 2/4/03 | 9/30/03 |
| 09/289240 | Christmas 2-2-2-4 | US | Reissue Review | 2/14/03 | |
| 09/611697 | Adriaenssens 7-17-8-13 | US | Reissue Review | 2/7/03 | |

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|-------------------------------|------------------------|----------------|--|-----------------|-----------------------|
| 2279076 | Aranguren 13-3-7 | CA | Letters Patent Received | 2/6/03 | 2/6/03 |
| 09/465303 | Daoud 254 | US | Reissue Review | 2/14/03 | |
| 09/317469 | Paul 5 | US | Issue fees due | 2/4/03 | 1/20/03 |
| 00307827.6 | Chavez 48-34 | EP | Letters Patent received | 2/22/03 | 2/19/03 |
| 09/334855 | Aponte 5-8-7-3 | US | Reissue Review | 2/14/03 | |
| 2262727 | Arnett 24-5 | CA | Renewal fee | 2/23/03 | |
| 08/824876 | Berezik 1-7-1 | US | Decision to Abandon/Lapse | 2/23/03 | 1/24/03 |
| 09/241717 | Gabriel 1 | US | Assignment | 2/14/03 | 2/14/03 |
| 2333806 | Choy 6-1-3-3-3 | CA | Renewal fee | 2/1/03 | 2/1/03 |
| 52873/98 | Friesen 11-1-11 | AU | Request Examination | 2/2/03 | |
| 10/097081 | Gabriel 1 | US | Assignment | 2/14/03 | 2/14/03 |
| 52873/98 | Friesen 11-1-11 | AU | Pay Examination fees | 2/2/03 | |
| 52873/98 | Friesen 11-1-11 | AU | First Renewal Fee | 2/2/03 | |
| 2337699 | Chazin 2 | CA | Renewal fee | 2/22/03 | 2/22/03 |
| 01302286.8 | Chan 13 | EP | Decision to Abandon/Lapse | 2/18/03 | 2/18/03 |
| 10/261243 | Garg | US | File Prior Art Statement/IDS | 2/24/03 | 2/24/03 |
| 8-229756 | Brunson 6-4 | JP | Response to Examiners Comments re Appeal | 2/7/03 | 2/7/03 |
| 01301081.4 | Baker 21-4 | EP | Maintenance fee | 2/28/03 | 2/28/03 |
| 09/427313 | Bauer 11-3 | US | Resp to OA - 2 Month Extension | 2/27/03 | 2/28/04 |
| 01301602.7 | Foster 3-9 | EP | Maintenance fee | 2/28/03 | 12/20/02 |
| 09/401558 | Daoud 242-26-20-19-19 | US | Issue Notification | 2/28/03 | 12/17/02 |
| 95309018 | Klein 3 | EP | Approve Text - Amendment Filed | 2/15/03 | 2/5/03 |
| 95309018 | Klein 3 | EP | Period for filing Divisional Application Expires | 2/15/03 | 12/12/02 |
| 10/641449 | Diethorn | US | Application due to be filed | 2/4/03 | 8/15/03 |
| 97102209.7 | Forgues 2-1 | CN | Decision to Abandon/Lapse | 2/18/03 | 2/18/03 |
| PCT/US02/26379 | Shaffer | WO | File Priority document(s) | 2/28/03 | 8/19/02 |
| 09/317469 | Paul 5 | US | Formal drawings due | 2/4/03 | 1/20/03 |
| 09/417355 | Hewett 3 | US | Resp to OA - 1 Month Extension | 2/4/03 | 11/19/02 |
| 970353 | Forgues 2-1 | MX | Decision to Abandon/Lapse | 2/18/03 | 2/18/03 |
| 10/374284 | Izundu | US | Application due to be filed | 2/4/03 | 2/25/03 |
| 10/360897 | Adams | US | Application due to be filed | 2/10/03 | 2/7/03 |
| 10/352932 | Bisceglia | US | Application due to be filed | 2/11/03 | 1/29/03 |
| 08/323184 | Aranguren 10-5 | US | Application due to be filed | 2/10/03 | 2/10/03 |
| 09/578245 | Daoud 279 | US | File Returned by OC | 2/7/03 | 2/6/03 |
| 09/345124 | Petty 35 | US | Letters Patent received | 2/2/03 | 10/23/02 |
| 09/638351 | CyberIQ M-9434 | US | Resp to OA - 1 Month Extension | 2/15/03 | 2/19/03 |
| 09/088245 | Vaios 4 | US | National Phase Entry | 2/7/03 | |
| 08/941792 | Griffith 20-7-6 | US | Reissue Review | 2/7/03 | |
| 09/480967 | Cole 8-8-68-26 | US | Reissue Review | 2/21/03 | |
| 09/170935 | Dyne 1-1 | US | Reissue Review | 2/7/03 | |

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|------------------------------|------------------------|----------------|---------------------------------------|-----------------|-----------------------|
| 09/149877 | Mosaix 11 | US | Reissue Review | 2/7/03 | |
| 01306611.3 | Achuthan 2-3-1 | EP | Search Report received? | 2/1/03 | 9/26/02 |
| 09/359567 | Daoud 182-12-18-8-10 | US | Reissue Review | 2/14/03 | |
| 09/441401 | Arnett 47-4-17 | US | Reissue Review | 2/21/03 | |
| 09/515399 | Daoud 262 | US | Reissue Review | 2/14/03 | |
| 09/575788 | Baker 15-31-16-2 | US | Reissue Review | 2/21/03 | |
| 09/118184 | Daoud 74 | US | Reissue Review | 2/28/03 | |
| 09/428728 | Daoud 231 | US | Reissue Review | 2/21/03 | |
| 09/217090 | Daoud 169 | US | Reissue Review | 2/28/03 | |
| 10/651041 | Stoller | US | Foreign Filing Decision | 2/28/03 | |
| 09/052528 | Beecher 8-12-4 | US | Reissue Review | 2/28/03 | |
| 08/980237 | DeBalko 15 | US | Reissue Review | 2/28/03 | |
| 09/109275 | Daoud 98-6 | US | Resp to OA - 3 Month Extension | 2/27/03 | 12/11/02 |
| 18030/99 | CyberIQ M-4968 | AU | Response to Office Action | 2/26/03 | 2/12/03 |
| H04-142030 | Grimes 28-12 | JP | Renewal fee | 2/13/03 | 11/29/01 |
| 09/283347 | Petty 34 | US | Issue fees due | 2/4/03 | 2/4/03 |
| 09/256015 | Petty 33 | US | Response to Office Action | 2/5/03 | 1/15/03 |
| PCT/US01/25277 | Cyber IQ M-9434 | WO | File Chapter II Application(s) | 2/15/03 | |
| 99301145.1 | Baker 11-2-1-2-1 | EP | Awaiting Examiners Response | 2/1/03 | 2/16/04 |
| 10/023611 | Baker | US | Awaiting Examiners Response | 2/5/03 | |
| 60/355896 | Balasaygun | US | Completed Application due to be filed | 2/11/03 | 8/26/02 |
| 2233019 | Cyber IQ M-9434 | DE | Application due to be filed | 2/15/03 | |
| 10/037584 | Octel 25 | CA | Letters Patent Received | 2/7/03 | 2/7/03 |
| 10/037588 | Brown | US | Awaiting Examiners Response | 2/13/03 | |
| 10/037583 | Brown | US | Awaiting Examiners Response | 2/11/03 | 6/19/03 |
| 2396383 | Chan | US | Awaiting Examiners Response | 2/11/03 | |
| 10/037275 | CyberIQ M-7717 | CA | Assignment Due | 2/1/03 | 2/13/02 |
| 10/042577 | Cyber IQ M-9434 | KR | Application due to be filed | 2/15/03 | |
| 10/059946 | Bogart | US | Awaiting Examiners Response | 2/13/03 | |
| 10/037590 | Coffman | US | Awaiting Examiners Response | 2/25/03 | |
| 2002-520510 | Nadooshan | US | Awaiting Examiners Response | 2/22/03 | |
| 01963940.0 | Chan | US | Awaiting Examiners Response | 2/27/03 | |
| 10/052160 | Cyber IQ M-9434 | JP | Application due to be filed | 2/15/03 | |
| 10/028004 | Cyber IQ M-9434 | GB | Application due to be filed | 2/15/03 | 8/10/01 |
| 09/676703 | Yoon | US | Awaiting Examiners Response | 2/13/03 | 5/23/03 |
| 10/054428 | Gilman | US | Awaiting Examiners Response | 2/14/03 | |
| 10/038641 | Korisch | US | Resp to OA - 1 Month Extension | 2/3/03 | 12/27/02 |
| 88110776 | Gentle | US | Awaiting Examiners Response | 2/13/03 | 6/2/04 |
| | Clark | US | Awaiting Examiners Response | 2/12/03 | 2/13/03 |
| | Glodis 5-1-4-3-73 | TW | Renewal Fee | 2/20/03 | |

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|------------------------------|------------------------|----------------|--------------------------------------|-----------------|-----------------------|
| 96306087.6 | Petty 21 | EP | Awaiting Examiners Response | 2/5/03 | 11/21/02 |
| 2000-348969 | Brunson 11-1 | JP | Exam Report received? | 2/28/03 | |
| 2383665 | Quintus 7 | CA | Assignment Document Due | 2/27/03 | 10/11/02 |
| 2000-348921 | Arnett 47-4-17 | JP | Exam Report received? | 2/28/03 | |
| 60/357240 | Zmolek | US | File new Convention Application(s) | 2/14/03 | |
| 10/367260 | Zmolek | US | Application due to be filed | 2/14/03 | |
| 9905212.8 | Mosaix 8 | GB | Letters Patent received | 2/18/03 | 1/22/03 |
| 60/357240 | Zmolek | US | Expiry | 2/14/03 | |
| 60/360083 | Hopkinson | US | File new Convention Application(s) | 2/26/03 | 4/22/02 |
| 60/357240 | Zmolek | US | File complete specification | 2/14/03 | |
| 09/235730 | Arlein 1-11-1-3-2 | US | Response to Office Action | 2/6/03 | |
| 10/036680 | Johns | US | Recorded Assignment Received | 2/8/03 | 2/6/03 |
| 10/127401 | Hopkinson | US | Application due to be filed | 2/26/03 | 4/2/02 |
| 09/414663 | Daoud 240-25-19-18-8 | US | Resp to Final OA - 3 Month Extension | 2/7/03 | 4/22/02 |
| 09/414663 | Daoud 240-25-19-18-8 | US | Notice of App - 3 Month Extension | 2/7/03 | 2/12/03 |
| 2002-375762 | Alvarado | JP | File translation of specification | 2/26/03 | 2/12/03 |
| 09/229704 | Waldman 2 | US | Advisory Action | 2/13/03 | 12/27/02 |
| 09/489722 | Fisher 12-19-2 | US | Resp to Final OA - 1 Month Extension | 2/22/03 | 3/20/03 |
| 09/563129 | Achuthan 1-2-2 | US | Resp to Final OA - 2 Month Extension | 2/4/03 | 12/23/02 |
| 98306774.5 | Reichard 11-1 | EP | Rule 51(6) Communication received? | 2/9/03 | 11/4/02 |
| 00309909.0 | Bogart 18-3-1-4-1 | EP | Response to Office Action | 2/1/03 | 10/7/02 |
| 09/906192 | Deleu | US | Resp to OA - 3 Month Extension | 2/28/03 | 12/10/02 |
| 10/197186 | Arnett | US | Response to Office Action | 2/1/03 | 12/30/02 |
| 98301563.7 | Johnson 46-6-34 | EP | Response to Office Action | 2/7/03 | 1/28/03 |
| 93301116.5 | Denkmann 4-3-5 | EP | Written Submissions Due | 2/18/03 | 1/10/03 |
| 10/299421 | Das | US | File Prior Art Statement/TDS | 2/19/03 | 2/18/03 |
| 318442/1996 | Chavez 19-4 | JP | Letters Patent received | 2/15/03 | 11/19/02 |
| 129397/1996 | Bales 34-24 | JP | Letters Patent received | 2/15/03 | 12/13/02 |
| 10-14643 | Tonisson 1 | JP | Letters Patent received | 2/1/03 | 12/13/02 |
| 09/504059 | Albright 6-7-5-5 | US | Issue fees due | 2/19/03 | 12/3/02 |
| 09/504059 | Albright 6-7-5-5 | US | Formal drawings due | 2/19/03 | 2/19/03 |
| 09/969826 | Brown | US | Response to Final Office Action | 2/27/03 | 2/19/03 |
| 6-101724 | Catazaro 1-3-1-1-1-1-5 | JP | Response to Rejection of Appeal | 2/6/03 | 2/25/03 |
| 09/220411 | Sanford 1 | US | Issue fees due | 2/5/03 | 2/5/03 |
| 09/220411 | Sanford 1 | US | Formal drawings due | 2/5/03 | 2/5/03 |
| 09/229704 | Waldman 2 | US | Resp to Final OA - 1 Month Extension | 2/11/03 | 1/13/03 |
| 09/229704 | Waldman 2 | US | Notice of App - 1 Month Extension | 2/11/03 | 3/20/03 |
| 09/229704 | Waldman 2 | US | RCE/CPA - 1 Month Extension | 2/11/03 | 3/20/03 |
| 09/496265 | Daoud 263 | US | Issue Notification | 2/18/03 | 1/8/03 |
| 09/481648 | McClure 1-12 | US | Response to Office Action | 2/6/03 | 1/23/03 |

DIARY LISTING REPORT

| <u>Serial/Application No.</u> | <u>Avaya Ref Code:</u> | <u>Country</u> | <u>Action Required</u> | <u>Due Date</u> | <u>Completed Date</u> |
|-------------------------------|------------------------|----------------|--------------------------------------|-----------------|-----------------------|
| 10/278462 | Thomson | US | Recorded Assignment Received | 2/20/03 | 3/7/03 |
| 10/280801 | Boland | US | Recorded Assignment Received | 2/20/03 | 3/19/03 |
| 10/278445 | Thompson | US | Recorded Assignment Received | 2/20/03 | 4/1/03 |
| 10/278504 | Goringe | US | Recorded Assignment Received | 2/20/03 | |
| 10/232906 | Walker | US | Recorded Assignment Received | 2/13/03 | 4/4/03 |
| 09/515312 | Chavez 49-35 | US | Issue Notification | 2/28/03 | 2/3/03 |
| 09/329463 | Bauer 10-4-2 | US | Response to Office Action | 2/6/03 | 2/6/03 |
| 98303921.5 | Arnett 26 | EP | Complete National Phase Requirements | 2/6/03 | 11/25/02 |
| 98303921.5 | Arnett 26 | DE | File translation of specification | 2/6/03 | 2/12/03 |
| 10/231597 | Phillips | US | Foreign Filing Decision | 2/28/03 | 4/13/03 |
| 10/212968 | Michaelis | US | Foreign Filing Decision | 2/5/03 | 10/21/02 |
| 09/320324 | Williams 4 | US | RCE/CPA - 1 Month Extension | 2/2/03 | 12/3/02 |
| 09/405679 | Banerjee 2-13-19-18 | US | Resp to OA - 2 Month Extension | 2/25/03 | 1/27/03 |
| 09/493633 | Huh 1-1-1 | US | Resp to OA - 1 Month Extension | 2/1/03 | 12/30/02 |
| 09/455019 | Bridges 1-5-1-1 | US | Resp to OA - 1 Month Extension | 2/2/03 | 12/26/02 |
| 09/489862 | Blum 1-1-1-7 | US | Issue Notification | 2/15/03 | 1/7/03 |
| 99301104.8 | Arnett 24-5 | DE | Renewal fee | 2/28/03 | |
| 99301104.8 | Arnett 24-5 | GB | Renewal fee | 2/16/03 | |
| 08/822727 | Ahuja 11-4-5 | US | Resp to OA - 2 Month Extension | 2/23/03 | 2/24/03 |
| 10/211849 | Ard | US | Foreign Filing Decision | 2/2/03 | 3/17/03 |
| 90/006516 | Bell 1-1-6-1-1-1 | US | Filing receipt received? | 2/28/03 | 2/25/03 |
| 01306611.3 | Achuthan 2-3-1 | EP | Decision to Abandon/Lapse | 2/28/03 | 2/28/03 |
| 09/456044 | Fisher 8-7-5 | US | Resp to OA - 3 Month Extension | 2/13/03 | 10/22/02 |
| 10/299421 | Das | US | Recorded Assignment Received | 2/19/03 | 4/23/03 |
| 08/992038 | CyberIQ M-4969 | US | Resp to OA - 1 Month Extension | 2/5/03 | 12/27/02 |
| 97300067.2 | Forgues 2-1 | EP | Decision to Abandon/Lapse | 2/18/03 | 2/18/03 |
| 64399/99 | Lin 10 | AU | Letters Patent received | 2/21/03 | 12/6/02 |
| 08/861481 | Donner 1-13-3-13 | US | Response to Decision on Appeal | 2/27/03 | 1/23/03 |
| 99301284.8 | Boyer 1-1-9-15 | EP | Search Report | 2/27/03 | 3/27/03 |
| 10/261433 | Brown | US | Recorded Assignment Received | 2/8/03 | 4/1/03 |
| 10/034812 | Arnett 45-32 - DIV | US | Resp to Final OA - 1 Month Extension | 2/2/03 | 2/3/03 |
| 10/034812 | Arnett 45-32 - DIV | US | Notice of App - 1 Month Extension | 2/2/03 | 2/3/03 |
| 09/364260 | Daoud 199 | US | Resp to OA - 1 Month Extension | 2/9/03 | 1/8/03 |
| 09/239286 | Bouis 1-1 | US | Resp to OA - 1 Month Extension | 2/10/03 | 1/10/03 |
| 10/124121 | Michaelis | US | Foreign Filing - 10 Mo. Reminder | 2/16/03 | |
| 9916897-9 | Arnett 24-5 | BR | Renewal | 2/26/03 | |
| 10/232055 | Minhazzudin | US | Foreign Filing Decision | 2/28/03 | |
| 09/516386 | Cyber IQ LNXN30000 | US | Response to Office Action | 2/5/03 | 1/21/03 |
| 09/209800 | Quintus 2 | US | Restriction Requirement - 5th Ext. | 2/25/03 | 9/25/02 |
| 2280261 | Chan 9-31 | CA | Awaiting Examiners Response | 2/2/03 | 12/20/02 |

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|-------------------------------|---------------------------|----------------|--|-----------------|-----------------------|
| 09/240207 | Quintus 6 | US | Resp to OA - 2 Month Extension | 2/6/03 | 11/12/02 |
| 99309578.5 | Welch 1 | EP | Awaiting Examiners Response | 2/21/03 | 12/21/02 |
| 0211138.3 | Bartolutti 2-11-17-8 | GB | Response to Office Action | 2/21/03 | 2/21/03 |
| 09/245137 | Einbinder 4-4-2 | US | Resp to OA - 2 Month Extension | 2/4/03 | 12/4/02 |
| 2214.5 | Bartolutti 1-10-11-16-7-7 | GB | Letters Patent received | 2/28/03 | 2/25/03 |
| 10/231957 | Serkowski | US | Foreign Filing Decision | 2/28/03 | |
| 10/232507 | Serkowski | US | Foreign Filing Decision | 2/28/03 | |
| 10/232453 | Minhazzudin | US | Foreign Filing Decision | 2/28/03 | |
| 09/286751 | Mohler 5 | US | Resp to OA - 2 Month Extension | 2/4/03 | 10/2/02 |
| 09/414663 | Daoud 240-25-19-18-8 | US | Final Response to Final OA | 2/7/03 | 2/12/03 |
| 09/414663 | Daoud 240-25-19-18-8 | US | RCE/CPA - 3 Month Extension | 2/7/03 | 2/12/03 |
| 09/825716 | Cowan 6-14-21-9-40 | US | Response to Final OA | 2/27/03 | 2/20/03 |
| PCT/US03/01097 | Putman | WO | File Power of Attorney | 2/14/03 | 1/14/03 |
| 10/167953 | Duong | US | Restriction Requirement - 1st Ext. | 2/11/03 | 1/13/03 |
| 09/220411 | Sanford 1 | US | Awaiting Examiner Response | 2/13/03 | 11/5/02 |
| 09/286751 | Mohler 5 | US | Awaiting Examiner Response | 2/13/03 | 9/4/02 |
| 09/434173 | Cowan 8-3-20-28-46 | US | Awaiting Examiner Response | 2/16/03 | 8/27/02 |
| 368604/1999 | Arnett 32 | JP | Awaiting Examiners Response | 2/19/03 | 1/10/03 |
| 2367569 | Houdaille 1 | CA | Renewal fee | 2/22/03 | 2/22/03 |
| 09/353316 | Macor 8 | US | Awaiting Examiner Response | 2/28/03 | |
| 2000-306927 | Flockhart 21-1-1-6-2 | JP | Awaiting Examiners Response | 2/14/03 | 8/12/04 |
| 307381.4 | Flockhart 21-1-1-6-2 | EP | Awaiting Examiners Response | 2/16/03 | |
| 64472/99 | Arnett 32 | AU | Request Sealing | 2/22/03 | |
| 64472/99 | Arnett 32 | AU | Period for filing Divisional Application Expires | 2/22/03 | |
| 09/272955 | Baker 15-5-2-5-4 | US | Decision on Appeal | 2/28/03 | 10/2/02 |
| 09/482969 | Chan 11 | US | Awaiting Examiner Response | 2/28/03 | 9/18/02 |
| 09/461902 | Flockhart 26-21-15-29 | US | Resp to OA - 3 Month Extension | 2/14/03 | 11/14/02 |
| 09/368099 | Fitzgerald 1 | US | Resp to OA - 3 Month Extension | 2/15/03 | 10/1/02 |
| 09/454648 | LeBoulzec 2 | US | Issue Notification | 2/28/03 | 4/1/03 |
| PCT/US01/24313 | CyberIQ 1 | WO | File Chapter II Application(s) | 2/4/03 | |
| 09/969826 | Brown | US | Decision to Abandon/Lapse | 2/25/03 | 2/25/03 |
| 00307858.1 | Chavez 50-21-36 | EP | Letters Patent received | 2/8/03 | 2/6/03 |
| 09/357679 | Serkowski 4 | US | Letters Patent received | 2/28/03 | 2/4/03 |
| 09/456092 | Fisher 7-6-4 | US | Letters Patent received | 2/21/03 | 2/4/03 |
| 09/544054 | Ben Moshe 3-1-1-2-1-2 | US | Resp to OA - 3 Month Extension | 2/2/03 | 10/31/02 |
| 10/217069 | Zilbershtein | US | Foreign Filing Decision | 2/12/03 | 3/6/03 |
| 09/515447 | Chavez 48-34 | US | Resp to OA - 3 Month Extension | 2/15/03 | 11/15/02 |
| 08/768606 | Quintus 9 | US | Awaiting Examiner Response | 2/7/03 | 1/21/04 |
| 01303529.0 | Becker 2 | EP | Awaiting Examiners Response | 2/3/03 | 2/6/03 |
| 10/028874 | Hepworth | US | Recorded Assignment Received | 2/13/03 | |

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|------------------------|-----------------------|---------|---|----------|----------------|
| PCT/US02/26473 | Johns | WO | Search Report received? | 2/8/03 | 2/8/03 |
| 10/304875 | Boyer | US | Recorded Assignment Received | 2/26/03 | 12/13/02 |
| 02258596.2 | Sasmazel | EP | File translation of specification | 2/10/03 | 3/31/03 |
| 10/287141 | Arnett | US | Recorded Assignment Received | 2/4/03 | 1/22/03 |
| 2003-3840 | Sasmazel | JP | Filing receipt received? | 2/10/03 | 1/13/02 |
| 09/358413 | Chiang 1-1-2-1 | US | Resp to OA - 2 Month Extension | 2/12/03 | 10/7/02 |
| 09/415780 | Richman 9 | US | Resp to OA - 2 Month Extension | 2/19/03 | 1/10/03 |
| 09/248077 | Ladd 15 | US | Resp to OA - 2 Month Extension | 2/10/03 | 2/24/03 |
| 2291379 | Foster 11-1-21 | CA | Response to Office Action | 2/15/03 | 2/17/03 |
| 2298937 | Borst 9-19-2-26-3-2-2 | CA | Renewal fee | 2/17/03 | 1/28/03 |
| 09/396682 | Neveux 3 | US | Letters Patent received | 2/7/03 | |
| 10/287141 | Arnett | US | File Prior Art Statement/IDS | 2/4/03 | |
| 09/489862 | Blum 1-1-1-7 | US | Letters Patent received | 2/7/03 | 1/28/03 |
| PCT/US03/01097 | Putman | WO | Filing receipt received? | 2/4/03 | 3/19/03 |
| 09/496265 | Daoud 263 | US | Letters Patent received | 2/8/03 | 3/4/03 |
| 96111686.2 | Bales 35-5 | CN | Issue fees due | 2/4/03 | 2/4/03 |
| PCT/US03/01097 | Putman | WO | Pay Designation fees | 2/14/03 | 1/14/03 |
| PCT/US03/01318 | Khakoo | WO | Pay Designation fees | 2/15/03 | 1/15/03 |
| 09/454508 | Fisher 9-8-6 | US | Issue fees due | 2/12/03 | 2/12/03 |
| 09/454508 | Fisher 9-8-6 | US | Formal drawings due | 2/12/03 | 12/6/00 |
| 09/248965 | Griffith 32 | US | Response to Office Action | 2/20/03 | 1/9/03 |
| 10/316235 | Anderson | US | Declaration/Power of Attorney due to be filed | 2/9/03 | 12/9/02 |
| PCT/US02/29754 | Nadooshan | WO | Application due to be filed | 2/1/03 | 9/12/02 |
| PCT/US02/29754 | Nadooshan | WO | Pay Designation fees | 2/1/03 | 9/12/02 |
| 09/421821 | Baker 20 | US | Resp to OA - 3 Month Extension | 2/11/03 | 11/8/02 |
| 0203432-8 | Sasmazel | BR | File Priority document(s) | 2/25/03 | 9/29/04 |
| 0203432-8 | Sasmazel | BR | File translation(s) of Priority document(s) | 2/25/03 | 9/29/04 |
| 0203432-8 | Sasmazel | BR | Assignment of Priority Rights due to be filed | 2/25/03 | 9/29/04 |
| 2000-15149 | Arnett 34 | JP | Issue/Grant fees due | 2/24/03 | 2/13/03 |
| 2000-15148 | Arnett 36 | JP | Issue/Grant fees due | 2/24/03 | 2/13/03 |
| 10/323108 | Didcock | US | Declaration/Power of Attorney due to be filed | 2/19/03 | 4/25/03 |
| 09/235065 | Mosaix 1 | US | Petition to Revive | 2/14/03 | 2/14/03 |
| 307169.3 | Chavez 46-32 | EP | Decision to Abandon/Lapse | 2/16/03 | 2/16/03 |
| 1000/MAS/2002 | Alvarado | IN | Power of Attorney | 2/3/03 | 2/3/03 |
| 1001/MAS/2002 | Alvarez | IN | Power of Attorney | 2/3/03 | 2/3/03 |
| 01306204.7 | Shaffer 1 | EP | Decision to Abandon/Lapse | 2/7/03 | 2/7/03 |
| 2002-382276 | Boland | JP | File translation of specification | 2/27/03 | 1/8/03 |
| 20002-382422 | Garstin | JP | File translation of specification | 2/18/03 | 12/18/02 |
| 09/921832 | CyberIQ 7 - 4366-49 | US | Recorded Assignment | 2/12/03 | 2/12/03 |
| 60/436874 | Walker | US | Filing receipt received? | 2/6/03 | 2/20/03 |

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|-------------------------------|--------------------------|----------------|---|-----------------|-----------------------|
| 10/676761 | Chism | US | Application due to be filed | 2/20/03 | 9/30/03 |
| 09/151636 | Borkovic 1-9-1-3-1-8-1-8 | US | File Returned by OC | 2/19/03 | 2/19/03 |
| 10/678029 | White | US | Application due to be filed | 2/20/03 | 9/30/03 |
| 10/713639 | Norte | US | Application due to be filed | 2/20/03 | 11/13/03 |
| 10/636342 | Norte | US | Application due to be filed | 2/20/03 | 8/6/03 |
| 10/683039 | Flockhart | US | Application due to be filed | 2/20/03 | 10/10/03 |
| 09/435593 | Nave 1 | US | Decision to Abandon/Lapse | 2/18/03 | 2/18/03 |
| 00/444196 | Benveniste | US | Application due to be filed | 2/21/03 | 2/3/03 |
| 10/310499 | Lenard | US | Declaration/Power of Attorney due to be filed | 2/4/03 | 12/4/02 |
| 10/218608 | Chou | US | Foreign Filing Decision | 2/15/03 | 6/14/03 |
| 97-58370 | Bogart 15-1-2-4 | KR | Pay Print/Grant fees | 2/28/03 | 2/25/03 |
| 10/299459 | Goringe | US | File Prior Art Statement/IDS | 2/18/03 | 1/6/03 |
| 00310120.1 | Arnett 47-4-17 | EP | Request Examination | 2/14/03 | 2/13/03 |
| 09/524023 | Chan 13 | US | Letters Patent received | 2/5/03 | 11/13/03 |
| 09/560294 | Nielsen 3 | US | Resp to OA - 3 Month Extension | 2/14/03 | 10/22/02 |
| 09/348110 | Gould 3-30-3-2-3 | US | Notice of App - 2 Month Extension | 2/26/03 | 10/25/02 |
| 09/489722 | Fisher 12-19-2 | US | RCE/CPA - 1 Month Extension | 2/22/03 | 2/11/03 |
| 10/304875 | Boyer | US | File Prior Art Statement/IDS | 2/26/03 | |
| 10/287151 | Seligmann | US | Recorded Assignment Received | 2/4/03 | 6/28/04 |
| PCT/US03/01315 | Matula | WO | Filing receipt received? | 2/5/03 | 7/29/03 |
| 95304546.5 | Landante 3-3-3 | EP | Response to Office Action | 2/28/03 | 2/17/03 |
| 2276898 | Humphrey 1-1 | CA | Letters Patent Received | 2/24/03 | 2/24/03 |
| 09-226179 | Ackerman 1-1-2-1 | JP | Decision to Abandon/Lapse | 2/13/03 | 2/13/03 |
| 243266/1997 | Nepustil 2 | JP | Decision to Abandon/Lapse | 2/13/03 | 2/13/03 |
| 02254938.0 | Alvarez | EP | Decision to Abandon/Lapse | 2/11/03 | 2/11/03 |
| 80-57175 | Johnson 46-6-34 | JP | Decision to Abandon/Lapse | 2/10/03 | 2/10/03 |
| 01306868.9 | Michaelis | EP | Decision to Abandon/Lapse | 2/10/03 | 2/10/03 |
| 2335671 | Barnett 2-10-4 | CA | Decision to Abandon/Lapse | 2/7/03 | 2/7/03 |
| 03250042.3 | Garstin | EP | Pay Filing fees | 2/3/03 | 1/3/03 |
| 03250042.3 | Garstin | EP | Pay Search fees | 2/3/03 | 1/3/03 |
| 03250042.3 | Garstin | EP | File translation of specification | 2/4/03 | 1/3/03 |
| 10/427813 | Chavez | US | Application due to be filed | 2/26/03 | 4/30/03 |
| 10/601158 | Bardzil | US | Application due to be filed | 2/26/03 | 6/19/03 |
| 10/671279 | Callahan | US | Application due to be filed | 2/26/03 | 9/24/03 |
| 10/675719 | Roush | US | Application due to be filed | 2/26/03 | 9/29/03 |
| 10/619636 | Chavez | US | Application due to be filed | 2/26/03 | 7/14/03 |
| 6-101724 | Catanzaro 1-3-1-1-1-5 | JP | Decision to Abandon/Lapse | 2/6/03 | 2/28/03 |
| 10/292670 | Norte | US | Recorded Assignment Received | 2/12/03 | 4/1/03 |
| 99309621.3 | Petty 32 | EP | Decision to Abandon/Lapse | 2/21/03 | 2/21/03 |
| 10/367260 | Zmolek | US | Foreign Filing Deadline | 2/14/03 | |

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| 10/339049 | Mohler | US | Filing receipt received? | 2/20/03 | 3/18/03 |
| 10/339049 | Mohler | US | Assignment due to be filed | 2/20/03 | 1/9/03 |
| 09/340552 | Didcock 4 | US | Certificate of Correction | 2/25/03 | 2/25/03 |
| 97-58370 | Bogart 15-1-2-4 | KR | Decision to Abandon/Lapse | 2/25/03 | 2/25/03 |
| PCT/US03/01318 | Khakoo | WO | Filing receipt received? | 2/5/03 | 2/5/03 |
| PCT/US03/01318 | Khakoo | WO | File Power of Attorney | 2/15/03 | 1/15/03 |
| PCT/US03/04730 | Zmolek | WO | Application due to be filed | 2/14/03 | |
| 301556.7 | Borst 9-19-2-26-3-2-2 | EP | Maintenance fee | 2/28/03 | 2/28/04 |
| 2003-561205 | Putman | JP | Filing receipt received? | 2/14/03 | 8/3/04 |
| 98301166.9 | Hui 1-11-1 | EP | Maintenance fee | 2/28/03 | 2/28/03 |
| 09/396682 | Neveux 3 | US | Awaiting Examiner Response | 2/28/03 | 9/27/02 |
| 09/329463 | Bauer 10-4-2 | US | Awaiting Examiner Response | 2/28/03 | 11/6/02 |
| 09/627009 | Macor 9 | US | Resp to Final OA - 2 Month Extension | 2/13/03 | 1/13/02 |
| 09/408381 | Lu 1-2 | US | Resp to OA - 2 Month Extension | 2/10/03 | 1/10/03 |
| 09/366661 | Naouri 1 | US | Resp to OA - 2 Month Extension | 2/26/03 | 1/27/03 |
| 10/261431 | Bearden | US | Recorded Assignment Received | 2/20/03 | |
| 10/231999 | Walker | US | Recorded Assignment Received | 2/1/03 | 4/4/03 |
| 09/441997 | Ranganath 7-9 | US | Resp to OA - 3 Month Extension | 2/28/03 | 2/12/03 |
| 09/484098 | Baker 19-3 | US | Response to Office Action | 2/19/03 | 2/12/03 |
| 10/268002 | Tankhiwale | US | Recorded Assignment Received | 2/26/03 | 2/28/03 |
| 35214 | Forgues 2-1 | TH | Decision to Abandon/Lapse | 2/18/03 | 2/18/03 |
| 10/217177 | Chou | US | Foreign Filing Decision | 2/12/03 | 11/22/02 |
| 09/498494 | Chavez 47-25-33 | US | Resp to OA - 3 Month Extension | 2/27/03 | |
| H06-523502 | Ahuja 6-1-2 | JP | Renewal fee | 2/10/03 | |
| 06/467783 | Munson 9 | US | Expiry | 2/18/03 | |
| 07/569303 | Arnett 5 | US | Maintenance fee | 2/20/03 | |
| 06/464057 | Fulcomer 4-1-1-3-2-2 | US | Expiry | 2/4/03 | |
| 06/464058 | Nici 2-4-3 | US | Expiry | 2/4/03 | |
| 78102509 | Friesen 6-15 | TW | Renewal fee | 2/10/03 | |
| 89101004.1 | Bleich 1-1-2 | CN | Renewal fee | 2/25/03 | |
| 06/466743 | Loesch 5 | US | Expiry | 2/15/03 | |
| 07/860943 | Caccuro 1-2 | US | Maintenance fee | 2/8/03 | |
| 08/121124 | Backaus 3-2-5-2-2-7-2 | US | Maintenance fee | 2/22/03 | |